



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

DEC 19 2007

Mr. Andrew D. Herman, Esq.
Brand Law Group
923 Fifteenth Street, NW
Washington, DC 20005

RE: MUR 5766
Democrat Republican Independent Voter
Education – PAC for the International
Brotherhood of Teamsters and C. Thomas
Keegel, in his official capacity as treasurer

Dear Mr. Herman:

On December 12, 2007, the Federal Election Commission accepted the signed conciliation agreement submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). On December 13, 2007, the Commission received the civil penalty check. Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Christine C. Gallagher".

Christine C. Gallagher
Attorney

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

MUR 5766

Democrat Republican Independent
Voter Education – PAC for the International
Brotherhood of Teamsters and C. Thomas
Keegel, in his official capacity as treasurer

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COUNSEL

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CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities.

The Commission found reason to believe that the Democrat Republican Independent Voter Education – PAC for the International Brotherhood of Teamsters and C. Thomas Keegel, in his official capacity as treasurer ("Respondents") violated 2 U.S.C. § 434(b).

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:¹

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¹ All of the facts recounted in this agreement occurred prior to the effective date of the Bipartisan Campaign Reform Act of 2002 ("BCRA"), Pub. L. 107-155, 116 Stat. 81 (2002). Accordingly, unless specifically noted to the contrary, all citations to the Federal Election Campaign Act of 1971, as amended ("the Act"), herein are to the Act as it read prior to the effective date of BCRA and all citations to the Commission's regulations herein are to the 2002 edition of Title 11, Code of Federal Regulations, which was published prior to the Commission's promulgation of any regulations under BCRA. All statements of the law in this agreement that are written in the present tense shall be construed to be in either the present or the past tense, as necessary, depending on whether the statement would be modified by the impact of BCRA or the regulations thereunder.

Parties

1. Democrat Republican Independent Voter Education – PAC for the International Brotherhood of Teamsters (“DRIVE” or “the Committee”) is a political committee within the meaning of 2 U.S.C. § 431(4)(B) and is the separate segregated fund of the International Brotherhood of Teamsters.

2. C. Thomas Keegel, is and was, at all times relevant to the facts of this matter, the treasurer of the Committee.

Applicable Law

3. Political committees are required to report to the Commission the total amount of receipts, including all loans received for the reporting period and for the calendar year. *See* 2 U.S.C. § 434(b) and 11 C.F.R. § 104.3(a)(2)(vi). In addition, political committees are required to report to the Commission the total amount of disbursements, including repayment of all loans for the reporting period and for the calendar year. *See* 11 C.F.R. § 104.3(b)(iii).

4. Political committees are required to report to the Commission the amount and nature of outstanding debts and obligations owed by the committee on the appropriate schedules. *See* 2 U.S.C. § 434(b) and 11 C.F.R. § 104.3(d).

5. The information provided on these schedules must include, among other things, the types and values of traditional collateral or other sources of repayment that secure the loan, and whether the security interest is perfected. 11 C.F.R. § 104.3(d)(1)(iii). Further, the loan must be reported as outstanding until paid and the reports must show the repayments. 11 C.F.R. § 104.11(a)

Facts

6. DRIVE received two bank loans during the 2002 election cycle in the aggregate amount of \$500,000. The first loan in the amount of \$300,000 was received on October 24, 2002 and the second loan in the amount of \$200,000 was received on November 1, 2002.

7. DRIVE failed to report the receipt of the loans totaling \$500,000 until approximately seven months after the loans should have been reported. The receipt of the loans should have been reported on DRIVE's original 2002 Post-General and Year-End Reports. However, it was not until July of 2003 that DRIVE amended these reports to disclose the receipt of the loans and to attach the requisite Schedule Cs and C-1s.

8. DRIVE failed to report the repayments of the loans on its original 2003 monthly reports, and did not amend those monthly reports to disclose this information until approximately two years later. DRIVE did not report the repayments of the loans on its original 2003 February, March, April, and May Monthly Reports. In April of 2005, DRIVE amended these monthly reports to disclose the repayments and to attach the requisite Schedule Cs and C-1s.

9. Respondents contend that the reporting violations were inadvertent and that they did not intentionally violate 2 U.S.C. § 434(b).

V. Respondents violated 2 U.S.C. § 434(b) by failing to timely report the receipt of the loans, failing to timely report the repayments on the loans, and failing to timely file the requisite Schedule C and C-1s in its disclosure reports filed with the Commission in violation of 2 U.S.C. § 434(b). Respondents will cease and desist from violating 2 U.S.C. § 434(b).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Thirty-Three Thousand Dollars (\$33,000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

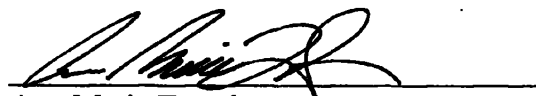
X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Thomasenia P. Duncan

General Counsel

BY:



Ann Marie Terzaken
Associate General Counsel
for Enforcement

12/19/07

Date

FOR THE RESPONDENTS:



Name: *Bradley T. Raymond*
Position: *General Counsel*

12/7/2007

Date

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